

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HAROLD GIVENS,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 4:15-CV-1126-CAS

ORDER

IT IS HEREBY ORDERED that movant's motion to stay and hold in abeyance the instant closed action pending the United States Court of Appeals for the Eighth Circuit's ruling on his request for certification to proceed with a second petition for habeas corpus based on the new constitutional rule announced in Johnson v. United States, 135 S. Ct. 2551 (2015) is **DENIED** without prejudice for lack of subject matter jurisdiction.¹ [Doc. 7]



**CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE**

Dated this 22nd day of June, 2016.

¹ The requirement that prisoners obtain authorization from the Circuit Court before filing a second or successive petition in the District Court is jurisdictional. Burton v. Stewart, 127 S. Ct. 793, 796 (2007). "Federal courts are courts of limited jurisdiction. The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the judicial power of the United States and is inflexible and without exception." Kessler v. Nat'l Enterprises, Inc., 347 F.3d 1076, 1081 (8th Cir. 2003) (quotation marks omitted).